



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 15, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-117 County of Riverside v. Superior Court, S107126. (E030454; 97 Cal.App.4th 1103.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Are the statutes authorizing unions representing public safety employees to declare an impasse in labor negotiations and requiring the employing agency to submit unresolved economic issues to binding arbitration (Code Civ. Proc., §§ 1299-1299.9) invalid under Article XI, section 11, of the California Constitution as delegating to a private body the power to control county money and perform municipal functions? (2) Are these statutes invalid under Article XI, section 1, of the California Constitution as interfering with a county's power to provide for the compensation of its employees?

#02-118 Hassan v. Mercy American River Hospital, S106256. (C026448; 96 Cal.Ap.4th 1333.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issues: (1) Does the privilege accorded "any person" for communication of information "intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing or veterinary arts" (Civ. Code, § 43.8) apply to hospitals as well as natural

(over)

persons? (2) Is the privilege absolute or does it apply only to statements made in good faith?

#02-119 Sav-On Drug Stores, Inc. v. Superior Court, S106718. (B152628; 97 Cal.App.4th 1070.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The case includes the following issue: In a class action challenging an employer's failure to pay overtime wages, did the trial court err in certifying as a class all employees designated by the employer as salaried managers exempt from the overtime wage laws?

#02-120 People v. Williams, S107266. (E030384; 98 Cal.App.4th 642.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. This case presents the following issue: In an action for civil commitment of an alleged sexually violent predator, does CALJIC No. 4.19 adequately instruct on the need for a finding of "serious difficulty in controlling behavior" as mandated by Kansas v. Crane (2002) 534 U.S. 407?

#02-121 People v. Bowers, S107318. (A095890; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Sanders, S094088 (#01-21), which presents the following issues: (1) Should this court reconsider the holding in In re Tyrell J. (1994) 8 Cal.4th 68, 74, that the otherwise illegal search of a minor who is subject to a probation search condition is "not unconstitutional despite the officer's ignorance of the search condition"? (2) If the court's holding in In re Tyrell J. remains viable, should that holding apply to adult parolees who are subject to search conditions? (3) Under People v. Robles (2000) 23 Cal.4th 789, does the admissibility of the fruits of the search in the present case differ as to a defendant who was not subject to a search condition as compared to a defendant who was?

#02-122 People v. Torres, S107385. (C035827; 98 Cal.App.4th 205.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in People v. Hurtado, S082112 (#99-158), which presents the following issue: Does an order of commitment under the Sexually Violent Predator Act require proof that the defendant is

likely to commit future “predatory” offenses within the meaning of Welfare and Institutions Code section 6600 subdivision (e)?

STATUS

#01-30 Cooley v. Superior Court, S094676. The court solicited supplemental briefing addressing the effect of People v. Superior Court (Ghilotti) (2002) 27 Cal.4th 888 on the instant case.

#00-135 People v. Sousa, S090886. In this case in which review was previously granted, the court ordered further action deferred pending decision in People v. Walker, S097725 (#01-85), which presents the following issue: Can an on-bail enhancement (Pen. Code, § 12022.1) be imposed on a sentence for failure to appear while on bail (Pen. Code, § 1320.5)?

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